

3737  
#

PTO/SB/17 (10-03)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$180.00)

**Complete if Known**

Application Number	09/545,582
Filing Date	April 7, 2000
First Named Inventor	ARTHUR E UBER III
Examiner Name	Ruth S. Smith
Art Unit	3737
Attorney Docket No.	071419-0272813

**METHOD OF PAYMENT** (check all that apply)☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit  
Account  
Number  
Deposit  
Account  
Name

033975

PILLSBURY WINTHROP LLP

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) (\$0.00)

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

	Extra Claims	Fee from below	Fee Paid
Total Claims	-20** =	X	
Independent Claims	-3** =	X	
Multiple Dependent			

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$0.00)

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION** (continued)**3. ADDITIONAL FEES**

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255*	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	180.00
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) See Addendum

0.00

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$180.00)

**SUBMITTED BY**

Name (Print/Type) Jeffrey D. Karceski

Signature

Registration No.  
(Attorney/Agent)

35914

(Complete if applicable)

Telephone (703) 905-2110

Date

April 22, 2005

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

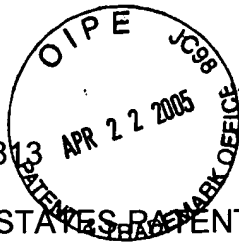
If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



## Addendum

Other fee description:

Note the IDS Fee encompasses both 3rd and 4th Supplemental IDS



Reissue Litigation

Docket Number: 071419-0272813

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of

ARTHUR E UBER III, et al.

Group Art Unit: 3737

Application No.: 09/545,582

Examiner: Ruth Smith

Filed: April 7, 2000

Confirmation No.: Unknown

For: PATIENT INFUSION SYSTEM FOR USE WITH MRI

THIRD SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This Third Supplemental Information Disclosure Statement ("IDS") is being filed to provide the Office with references cited by the Defendants in the litigation entitled "Medrad, Inc. v. Tyco Healthcare Group LP, Mallinckrodt, Inc., Liebel-Flarsheim Co., and Nemoto Kyorindo Co., Ltd.," which is pending before the United States District Court for the Western District of Pennsylvania and bears Docket No. 01-1997-RJC. The litigation concerns the accused infringement by the Defendants of United States Patent No. Re. 37,602 ("the '602 Patent") and United States Patent No. 5,808,203 ("the '203 Patent"). (Hereinafter, the case will be referred to as "the '602 Litigation.")

As discussed in the Supplemental Information Disclosure Statement filed on September 30, 2002, so that the Office may more readily understand the documents appended hereto and their relevance to this application, the Applicants respectfully point out that the '602 patent is a reissue patent of United States Reissue Patent No. 36,648 ("the '648 patent"). The '648 patent is a reissue of United States Patent No. 5,494,036 ("the '036 patent"). The '036 patent issued on February 27, 1996. The '648 patent issued on April 11, 2000. The '602 patent issued on March 26, 2002. As a result, the '602 Patent is related to the instant patent application.

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In the '602 Litigation, the Defendants cited a wide variety of references, which are listed in three documents appended to this IDS: (1) Defendants' Disclosure of Prior Art, dated September 30, 2003 (Exhibit A); (2) Defendants', Tyco Healthcare Group LP's, Mallinckrodt Inc.'s, and Liebel-Flarsheim Co.'s, Fourth Supplemental Response to Plaintiff's, Medrad, Inc., Second Set of Interrogatories (No. 6), dated December 17, 2003 (Exhibit B); and (3) Defendants', Tyco Healthcare Group LP's, Mallinckrodt Inc.'s, and Liebel-Flarsheim Co.'s, Fifth Supplemental Response to Plaintiff's, Medrad, Inc., Second Set of Interrogatories (No. 6), dated December 31, 2004 (Exhibit C). Many of the references listed in these documents already have been submitted to the Office in this application. Only those documents not previously submitted are provided herewith.

The Applicants respectfully submit that the materiality of the references appended hereto is based solely on the assertions by the Defendants in the '602 Litigation. The Applicants are submitting the references because they are being asserted against related patents owned by Medrad, the assignee of the instant application. By supplying the references, the Applicants are making no assertion, expressly or implicitly, that the claims of the instant application are either anticipated or rendered obvious by those references.

In addition, the Applicants respectfully point out that the Defendants filed a responsive paper in the '602 Litigation entitled "Defendants' Opposition to Medrad, Inc.'s Motion for Summary Judgment of Infringement of claim 37 under 35 U.S.C. §271(b)" ("Defendants' Opposition"). That response was filed with the Court under seal pursuant to the Protective Order in the '602 Litigation. As a result, the Applicants are prohibited from supplying the document as an attachment to this Third Supplemental IDS. Without revealing confidential information designated under the Protective Order, the Applicants respectfully submit that the Defendants relied upon a memorandum by Mr. John Friel ("Friel Memorandum"), whose initials are "JRF," dated August 12, 1989, to support the allegation, *inter alia*, that claim 37 of the '602 Patent is invalid and unenforceable due to inequitable conduct. Defendants allege that the Friel Memorandum shows that Medrad was aware of the Medex CT injector (AS 200) and should have disclosed it to the Office during prosecution of the '036 Patent. Medrad contends that the Medex CT injector is not material and that Medrad had no intent to deceive the Office.

While the Applicants are not permitted to supply a copy of the Defendants Opposition, the Applicants do supply a copy of the memorandum authored by Mr. Friel for the Examiner's consideration and review. The memorandum bears Bates No. MRD048532 and is listed on the attached PTO-1449s. (See 73R on the PTO-1449.)

Next, the Applicants supply a copy of the translation of a Medex brochure entitled "AS200 Injector," a copy of which was previously submitted to the Office with the April 7, 2000 IDS. The previous submission did not include the English translation, which is now supplied. So that the record is complete, the Applicants are resubmitting the brochure together with the English translation of the brochure for the Examiner's consideration. The Applicants also rely on the English translation for a statement of relevance. The Bates Nos. for the translation and the brochure are MAL-PIT-001412-14. The document is listed on the attached PTO-1449s. (See 74R on the PTO-1449.)

The Applicants respectfully point out to the Examiner that the majority of the references submitted herewith are not subject to protective order in the '602 Litigation. A few of the Medrad documents listed on the PTO-1449s are stamped "confidential." However, Medrad, the Assignee of the above-captioned application, has given permission for the documents to become a part of the permanent record for this application.

Pursuant to 37 CFR §1.56, the attention of the Patent and Trademark Office is hereby directed to the reference(s) listed on the attached PTO-1449s. Unless otherwise indicated herein, one copy of each reference is attached. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the reference(s) be made of record therein and appear among the "References Cited" on any patent issuing therefrom.

Within the group of documents listed on the attached PTO-1449s, there are a few which are in a language other than English. To discharge the Applicants' duty under 37 CFR §1.98(a)(3)(i), the Applicants supply the following statements of relevance for the non-English documents, which concern the reference listed at 31R on the attached PTO-1449s entitled, "'Multiget Injector – Either 1 or 2 Mobile Head Apparatus,' October,

1993, 45 pages (MAL-PIT-046472-046516).” This reference is a collection of documents in which:

- 1) MAL-PIT 046472-046474 entitled “Multiget Injector” is an English translation of MAL-PIT 046475-046476, entitled “Injecteur Multiget,” written in French. As apparent from the English translation, the documents discuss various aspects of the Multiget Injector.
- 2) MAL-PIT-046477-046479, entitled “Injecteur du D’Caillon,” provides details for a medical device with interchangeable syringes.
- 3) MAL-PIT-046480 is an English translation of the letter in French with Bates Number MAL-PIT-046481, which discusses various aspects of the Caillon-Constant type apparatus and the Multiget Injector offered by Medical-France, S.A., as the English translation makes clear.
- 4) MAL-PIT-046482-046485, entitled “Caillon Injecteurs type Constan,” is partially written in both French and English. The document provides details of the construction of the named injector product.
- 5) MAL-PIT-046486-046490, entitled “Injecteurs Constan,” is also partially written in both French and English. The document provides specific details concerning the particular syringe product named.
- 6) MAL-PIT-046491-046493, entitled “Injecteur Constan,” is partially written in French and English. The document provides specific details concerning the construction of the syringe apparatus. The French description of the injector also appears at MAL-PIT-046496, which is attached to the English translation that can be found at MAL-PIT-046494-046495.
- 7) MAL-PIT-046497-046499, entitled “Medical France S.A. Medical Apparatus - Construction/Repair,” is an English translation of the French document that follows it at MAL-PIT-046500-046501. As the English translation

discusses, the French document describes the construction and operation of the Multiget Injector.

- 8) MAL-PIT-046502-046503, entitled "Multiget Injector," is an English translation of the French document that follows at MAL-PIT-046504. As the English translation indicates, the French document appears to be a price list for the Multiget Injector.
- 9) MAL-PIT-046505, entitled "Merignac, October 14, 1983," is an English translation of the French document that follows at MAL-PIT-046506. As the English translation indicated, the document appears to be an invoice for the purchase of a Multiget Injector.
- 10) MAL-PIT-046507-046509 and MAL-PIT-046514-046516, which appear to be duplicates of one another, are entitled "Appreil D'Injections Multiget," are both written in French. The English translation of these documents may be found at MAL-PIT-046511-046513, entitled "Multiget Injector." As the English translation indicates, the French documents describe various features of the Multiget Injector.

In addition, the Applicants submit the following statement of relevance for the document at 45R on the attached PTO-1449s, entitled "SIAS, Linfo Injector Brochure," which is written in both Italian and English. As the English translation indicates, the document describes particular characteristics of the SIAS Linfo Injector.

The Applicants also respectfully point out that a Fourth Supplemental Information Disclosure Statement accompanies this submission. The Fourth Supplemental IDS lists documents that are subject to Protective Order for which Medrad has not received permission to supply to the Office. By listing the references on the PTO-1449, attached thereto, the Applicants believe that they have complied fully with 37 CFR §1.56 and have not violated any Court Order(s) in doing so. Should the references become publicly available or should the owners of the documents give Medrad permission to submit the references at a

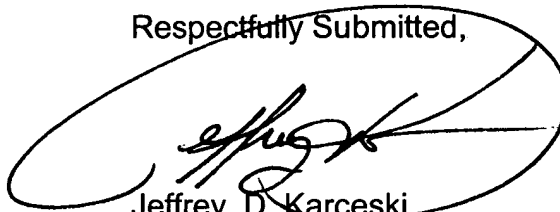
future date, before issuance of this application as a Reissue Patent, the Applicants will endeavor to supply copies to the Office so that they may be considered.

This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection or Notice of Allowance.

Please charge Deposit Account 033975 in the amount of \$180.00 in payment of the fee under 37 CFR §1.17(p). Please credit or debit Deposit Account 033975 as needed to ensure consideration of the disclosed information. Two duplicated copies of this paper are attached.

The Applicants respectfully submit that this Third Supplemental IDS is being submitted together with a Fourth Supplemental IDS. Accordingly, the Applicants respectfully submit that the \$180.00 fee is sufficient to cover the submission of both IDSs.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Jeffrey D. Karceski', is enclosed within a large, hand-drawn oval.

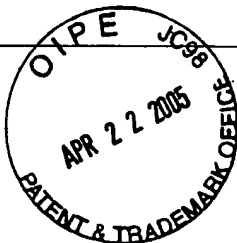
Jeffrey D. Karceski  
Registration Number 35914

Date: April 22, 2005

PILLSBURY WINTHROP LLP  
P.O. Box 10500  
McLean, VA 22102  
Telephone: (703) 905-2000  
Facsimile: (703) 905-2500



FORM PTO-1449 (modified)  
To: U.S. Department of Commerce  
(PW FORM PAT-1449)  
Patent and Trademark Office



Atty.  
Dkt. No.

M#

Client Ref.

272813

# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

Applicant: Uber III, et al.

Appln. No.: 09/545,582

Filing Date: April 7, 2000

Date: April 22, 2005

Page

1

of

5

Examiner: Ruth Smith

Group Art Unit: 3737

## U.S. PATENT DOCUMENTS

Examiner's Initials*		Document Number	Date MM/YYYY	Name (Family Name of First Inventor)	Class	Sub Class	Filing Date (if appropriate)
	1R	4719424	01/1988	JIMBO et al.			
	2R	4792759	12/1988	KEREN et al.			
	3R	4906933	03/1990	KEREN			
	4R	4928064	05/1990	KEREN			
	5R	4945916	08/1990	KRETSCHMER et al.			
	6R	4951674	08/1990	ZANAKIS et al.			
	7R	5006805	04/1991	INGWERSEN			
	8R	5055792	10/1991	KEREN			
	9R	5074309	12/1991	GERDT			
	10R	5088501	02/1992	NIEWISCH			
	11R	5144241	09/1992	OPPELT et al.			
	12R	5184074	02/1993	KAUFMAN et al.			
	13R	5222491	06/1993	THOMAS			
	14R	5267836	12/1993	CULP			
	15R	5273041	12/1993	RICHARDS et al.			
	16R	5351335	09/1994	OHISHI et al.			
	17R	5412419	05/1995	ZIARATI			
	18R	5808203	09/1998	NOLAN, JR., et al.			
	19R	6339718	01/2002	ZATEZALO et al.			
	20R						

## FOREIGN PATENT DOCUMENTS

		Document Number	Date MM/YYYY	Country	Inventor Name		Abstract		Readily Available	
							Enclosed	No	Enclose	No
	21R									
	22R									
	23R									
	24R									

## OTHER (Including in this order Author, Title, Periodical Name, Date, Pertinent Pages, etc.)

	25R	Liebel-Flashein Company, "Angiomat 6000 Operator's Manual," September, 1985 (MAL-PIT-043194-270)					
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Examiner

Date Considered:

\*EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.



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Page 2 of 5

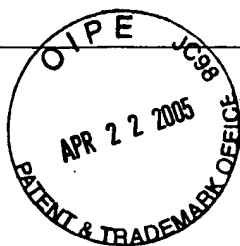
Examiner: Ruth Smith Group Art Unit: 3737

OTHER (Including in this order Author, Title, Periodical Name, Date, Pertinent Pages, etc.)					
26R	Roos et al., "Fiber Optic Pressure Transducer for Use Near MR Magnetic Fields," Radiology, 1985;156:548. (MAL-PIT-046466)				
27R	Roth, J.L., et al. "Patient Monitoring During Magnetic Resonance Imaging," Anesthesiology, 62:80-83, 1985. (MAL-PIT-046467-71)				
28R	"Multiget Injector - Either 1 or 2 Mobile Head Apparatus," October, 1993, 45 pages (MAL-PIT-046472-046516)	X			
29R	Murakami, T. et al., "Differentiation Between Hepatoma and Hemangiona with Inversion-Recovery Snapshot FLASH MRI and Gd-DTPA, Journal of Computer Assisted Tomography, 16(2):198-205, March-April, 1992 (MAL-PIT-046542-43)				
30R	Niendorf, H.P., et al., "Safety of Gadolinium-DTPA: Extended Clinical Experience," Magnetic Resonance in Medicine, 22, 222-228 (May 23-25, 1991) (MAL-PIT-046564-70)				
31R	Signa Site Planning GE Medical Systems Rev. 13, Exhibit 3 to Steven Harms Deposition of March 11, 2003. (MAL-PIT-022048)				
32R	Susskind (ed), "The Encyclopedia of Electronics," Reinhold Publishing Corporation, New York, (1962), 5 pages (MAL-PIT-046587-91)				
33R	"Van Nostrand's Scientific Encyclopedia, 4 <sup>th</sup> Edition," D. Van Nostrand Company, Ltd. (1968) 3 pages (MAL-PIT-046592-94)				
34R	Liebel-Flarsheim Company, "CT 9000 Digital Injection System, Installation, Service and Parts Manual" February 1992/March, 1993 (MAL-PIT-047029-047201)				
35R	Rejger, V.S., et al., "A Simple Anaesthetic and Monitoring System for Magnetic Resonance Imaging," European Journal of Anaesthesiology, 1989, Vol. 6, pp. 373-378; March, 1989. (MAL-PIT-024263-66)				
36R	Legendre, J.P., et al., "A Simple Fiber Optic Monitor of Cardiac and Respiratory Activity for Biomedical Magnetic Resonance Applications," Magnetic Resonance in Medicine, 1986, Vol. 3, pp. 953-957; March, 1986. (MAL-PIT-024225-27)				
37R	Berlex Imaging, "Magnevist: Dosage and Administration document", January, 1989 (MRD056047)				
38R	Letter from Abhijit Acharya (Food and Drug Administration) to Ruey C. Dempsey (Medrad) regarding Notification of Intent to Market Medrad MRI Injection Systems, November 19, 1987, (MRD034166-72)				
39R	Letter from Ruey C. Dempsey to the Food and Drug Administration regarding premarket approval notification for the Medrad MRI Injection System, August 5, 1987. (MRD 034167-69)				
40R	Letter from Ruey C. Dempsey to the Food and Drug Administration regarding the Medrad MRI Injection System, November 17, 1987. (MRD 034171-72)				
41R	Documents from Medrad 510(k) File K873173 concerning the Medrad MRI Injection System including a November, 1997 Operations Manual for the MRI Injection System, 133 pages.				

Examiner

Date Considered:

\*EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.



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Page **3** of **5**

Examiner: Ruth Smith Group Art Unit: 3737

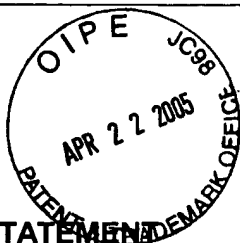
OTHER (Including in this order Author, Title, Periodical Name, Date, Pertinent Pages, etc.)				
42R	Wang, E., "Review Memo to 510(k) File K935669, Medrad Spectris MR Injector" February 23, 1994, 2 pages (MAL-PIT-013917-18)			
43R	Lee, R, et al., "Electromagnetic Coupling by a Wire Through a Circular Aperture in an Infinite Planar Screen," Journal of Electromagnetic Waves and Applications, Vol. 3, No. 4 (1989), pp. 281-305 (MAL-PIT-024164-88)			
44R	January 10, 1991 letter from Al Yarzebinski (Medrad) to John Allen (ETL Testing Laboratory), 5 pages (MRD053763-67)			
45R	SIAS, "Linfo Injector Brochure" (undated), 4 pages (MAL-PIT-046523-26)	X		
46R	Medrad, "The System Lets You Take Control Anywhere, Medrad Mark V Room Console Brochure," (December, 1986), 5 pages (MAL-PIT-042921-25)			
47R	Medrad, "The System Lets You Take Control Anywhere, Medrad Mark V Room Console Brochure," (12/1988), 4 pages (MAL-PIT-024120-23)			
48R	Medrad, "Mark V Injector Operation Manual," 1986 (MAL-PIT-042936-043193)			
49R	Medrad, Drawing No. 90111D1001, "MR INJ CRC To Isolation Panel Cable ASS'Y," August 2, 1990 (MRD033396)			
50R	Medrad, Drawing No. 90118C00001, "M.R. Injector System Installation at NMR," April 8, 1987 (MRD033080)			
51R	Medrad, Drawing No. 90118C00002, "MRI Injector Suite, System Overview, Typical," August 16, 1990 (MRD033501)			
52R	Medrad, Drawing No. 90111D05001, "MK INJ Isolation Panel to MBX Cable Assembly," August 7, 1990 (MRD033727)			
53R	McArdle, C.B., et al., "Monitoring of the Neonate Undergoing MR Imaging: Technical Considerations," Radiology 1986, 159: 223-226. (MAL-PIT-024230-33)			
54R	Medrad, "MR Injector Stage II NPCD," a collection of documents with the first dated November, 1992 (MRD 004832-86).			
55R	Kanal, E., et al., "Safety Considerations in MR Imaging," Radiology, September, 1990, 176: 593-606 (MAL-PIT-024245-52)			
56R	Lee, R. et al., "Transient Current Propagation Along a Wire Penetrating a Circular Aperture in an Infinite Planar Conducting Screen," IEEE Transactions on Electromagnetic Compatibility, Vol. 32, No. 2, May, 1990, 137-143. (MAL-PIT-024189-95)			
57R	Shimadzu Corporation, product brochure "SMT-150 Magnetic Resonance Imaging System," CA576-904, 15 pages (MAL-PIT-021704-19)			
58R	Hitachi Medical Systems America, Inc., Product Brochure, "MRP - Magnetic Resonance Imaging System," 1990, 6 pages (MAL-PIT-021720-25)			
59R	Medrad, Product Brochure, "Mark V Injection System," October 1984, 3 pages (MAL-PIT-042933-35)			

Examiner

Date Considered:

**\*EXAMINER:** Initial if citation considered, whether or not citation is in conformance with MPEP § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

FORM PTO-1449 (modified)  
To: U.S. Department of Commerce  
(PW FORM PAT-1449)  
Patent and Trademark Office



Atty.  
Dkt. No.

M#

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272813

# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

Applicant: Uber III, et al.

Appln. No.: 09/545,582

Filing Date: April 7, 2000

Date: April 22, 2005

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Examiner: Ruth Smith

Group Art Unit: 3737

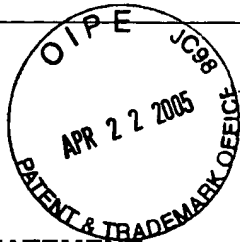
60R	Liebel-Flarshiem Company, "Angiomat 6000 Digital Injection System, Order and Installation Guide," March, 1990, 12 pages (MAL-PIT-024134-45)				
61R	Liebel-Flarshiem Company, "Angiomat CT, Order and Installation Guide," March, 1990, 8 pages. (MAL-PIT-024146-53)				
62R	Liebel-Flarshiem Company, "System Packages, Angiographic & CT Injectors," October, 1992, 8 pages. (MAL-PIT-024154-61)				
63R	Liebel-Flarshiem Company, Product Brochure, "Angiomat 6000 Contrast Delivery System," 1992, 8 pages. (MAL-PIT-024108-15)				
64R	GE Medical Systems, Product Brochure, "M1000HA 1.5T Signa® Advantage™ Magnetic Resonance System," 1991, 5 pages. (MAL-PIT-021877-81)				
65R	Siemen Aktiengesellschaft Medical Engineering Group Publication "MAGNETOM Impact-Whole Body MR Imaging System," 1991. (MAL-PIT-021665-021703)				
66R	Liebel-Flarsheim Company, "CT 9000 Digital Injection System Operator's Manual," February, 1992. (MAL-PIT-046955-047028)				
67R	Liebel Flarsheim Company, Product Brochure "Angiomat CT Digital Injection System for Enhanced CT Scans," 1988, 6 pages. (MAL-PIT-046595-046600)				
68R	Liebel Flarsheim Company, Product Brochure, "CT 9000 Contrast Delivery System," 1992, 4 pages. (MAL-PIT-046610-046613)				
69R	"Gyrosan S15/ACS Site Planning Guide", Phillips Medical Systems publication dated 1990 (MAL-PIT-021726-747)				
70R	"Gyrosan S15/ACS Site Planning Guide", Phillips Medical Systems publication dated May 1, 1991 (MAL-PIT-021748-829)				
71R	"Gyrosan T5-RF Shielding Requirements", Phillips Medical Systems Publication dated 1988 (MAL-PIT-021830-834)				
72R	"M1600HA: 1.5T Signa Advantage magnetic Resonance System", GE Medical Systems publication dated 1991 (MAL-PIT-021877-881)				
73R	Memorandum by Mr. John Friel dated August 12, 1989, entitled "Medrad, Inc. MR Injector Update" (MRD048532).				
74R	Medex Brochure entitled "AS Injector," dated January 25, 1989, and the English translation for that brochure. (MAL-PIT-001412-14).				
75R	Letter to Mr. T. Remaklus from Mr. D. Schubert with a date stamp of December 14, 2004, forwarding documents (MAL-PIT-092070)				
76R	"Transmission Line Characteristics," Application Note 108 (1974), National Semiconductor Corp., Bill Fowler (MAL-PIT-092071-76)				
77R	"Transmission Line Characteristics," Application Note 108 (1986), National Semiconductor Corp., Bill Fowler (MAL-PIT-092077-85)				
78R	"Electrical Characteristics of Balanced Voltage Digital Interface Circuits," RS-422-A, EIA Standard (1978) (MAL-PIT-092086-103)				

Examiner

Date Considered:

\*EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

FORM PTO-1449 (modified)  
To: U.S. Department of Commerce  
(PW FORM PAT-1449)  
Patent and Trademark Office



Atty.  
Dkt. No.

M#

Client Ref.

272813

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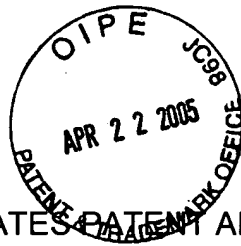
79R	Alpha Wire Corporation, "XTRA-GUARD Computer and Control Cables for Process Control and Industrial Automation, Engineering Specifications" (1990) (MAL-PIT-092104-32)				
80R	Alpha, "XTRA-GUARD Environmental Protection for Electronic Systems" (1983) (MAL-PIT-092133-250)				
81R	Alpha, W-10 Catalog (1986) (MAL-PIT-092251-560)				
82R	MIL-STD-461B, "Military Standard – Electromagnetic Emission and Susceptibility Requirements for the Control of Electromagnetic Interference," dated April 1, 1980 (MAL-PIT-092561-720)				
83R	MIL-STD-461C, "Military Standard – Electromagnetic Emission and Susceptibility Requirements for the Control of Electromagnetic Interference," dated August 4, 1986 (MAL-PIT-092721-903)				
84R	MIL-STD-461C, Notice 1, "Military Standard – Electromagnetic Emission and Susceptibility Requirements for the Control of Electromagnetic Interference," dated April 1, 1987 (MAL-PIT-092904)				
85R	MIL-STD-461C, Notice 2, "Military Standard – Electromagnetic Emission and Susceptibility Requirements for the Control of Electromagnetic Interference," dated October 15, 1987 (MAL-PIT-092905-3099)				

Examiner

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Docket Number: 071419-0272813



Reissue Litigation

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of

ARTHUR E UBER III, et al.

Group Art Unit: 3737

Application No.: 09/545,582

Examiner: Ruth Smith

Filed: April 7, 2000

Confirmation No.: Unknown

For: PATIENT INFUSION SYSTEM FOR USE WITH MRI

FOURTH SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This Fourth Supplemental Information Disclosure Statement ("IDS") is being filed to provide the Office with the identification of references cited by the Defendants in the litigation entitled "Medrad, Inc. v. Tyco Healthcare Group LP, Mallinckrodt, Inc., Liebel-Flarsheim Co., and Nemoto Kyorindo Co., Ltd.," which is pending before the United States District Court for the Western District of Pennsylvania and bears Docket No. 01-1997-RJC. The litigation concerns the accused infringement by the Defendants of United States Patent No. Re. 37,602 ("the '602 Patent") and United States Patent No. 5,808,203 ("the '203 Patent"). (Hereinafter, the case will be referred to as "the '602 Litigation.")

As discussed in the Supplemental Information Disclosure Statement filed on September 30, 2002, so that the Office may more readily understand the documents listed hereby and their relevance to this application, the Applicants respectfully point out that the '602 patent is a reissue patent of United States Reissue Patent No. 36,648 ("the '648 patent"). The '648 patent is a reissue of United States Patent No. 5,494,036 ("the '036 patent"). The '036 patent issued on February 27, 1996. The '648 patent issued on April 11, 2000. The '602 patent issued on March 26, 2002. As a result, the '602 Patent is related to the instant patent application.

In the '602 Litigation, the Defendants cited a wide variety of references, which are listed in two documents appended to this IDS: (1) Defendants' Disclosure of Prior Art, dated September 30, 2003 (Exhibit A), and (2) Defendants', Tyco Healthcare Group LP's, Mallinckrodt Inc.'s, and Liebel-Flarsheim Co.'s, Fourth Supplemental Response to Plaintiff's, Medrad, Inc., Second Set of Interrogatories (No. 6), dated December 17, 2003 (Exhibit B). Many of the references listed in these documents already have been submitted to the Office in this application. Only those documents not previously submitted are listed on the attached PTO-1449.

The Applicants respectfully submit that the materiality of the references identified on the PTO-1449 appended hereto is based solely on the assertions by the Defendants in the '602 Litigation. The Applicants are submitting the identification of the references because they are being asserted against related patents owned by Medrad, the assignee of the instant application. By supplying the identification of the references, the Applicants are making no assertion, expressly or implicitly, that the claims of the instant application are either anticipated or rendered obvious by those references.

**The Applicants respectfully submit that all but three of the references identified on the attached PTO-1449 are subject to the Protective Order in the '602 Litigation and, therefore, the Applicants are prohibited from submitting copies herewith. By listing the documents on the attached PTO-1449, the Applicants believe that they have complied fully with 37 CFR §1.56 and have not violated any Court Order(s) in doing so. Should the references become publicly available or should the owner(s) of the documents give Medrad, the Assignee of the above-captioned application, permission to submit the references at a future date, before the issuance of this application as a Reissue Patent, the Applicants will endeavor to supply copies to the Office so that they may be considered.**

The Applicants also respectfully submit that three of the references cited by the Defendant in the attached document do not appear to have been produced to Medrad. Accordingly, the Applicants cannot assess if the documents are subject to the Protective Order in the '602 litigation. Those documents are:

- 1) Alpha Suprashield Cables;**
- 2) Liebel-Flarsheim Company “Angiomas 6000 Digital Injection System, Operator’s Manual,” July, 1989 with February, 1991 Addendum; and**
- 3) Liebel-Flarsheim Company, “Angiomas CT Digital System Operator’s Manual,” 600981, dated February, 1991.**

**To discharge Applicants duty of disclosure under 37 CFR §1.56, the Applicants are listing these three documents on the attached PTO-1449. Should the references be produced, otherwise located, made publicly available, or should the owner(s) give Medrad permission to submit the documents at a future date, before issuance of this application as a Reissue Patent, the Applicants will endeavor to supply copies to the Office so that they may be considered.**

Pursuant to 37 CFR §1.56, the attention of the Patent and Trademark Office is hereby directed to the identification of the reference(s) listed on the attached PTO-1449. It is respectfully requested that the information be expressly considered during the prosecution of this application. Since copies of the reference are not provided herewith, for the reason set forth above, the Applicants respectfully request that this Fourth Supplemental IDS be placed in the file for the above-captioned patent application, to become a permanent part of the record.

This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection or Notice of Allowance.

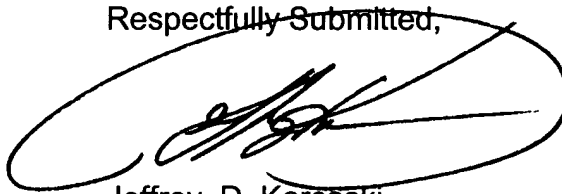
This Fourth Supplemental IDS is being submitted concurrently with a Third Supplemental IDS, which provides copies of a number of references for consideration by the Office. The Third Supplemental IDS includes a charge statement, permitting the Office to charge the \$180.00 fee required by 37 CFR §1.17(p) to Deposit Account No. 033975. Since this Fourth Supplemental IDS is being submitted together with the Third Supplemental IDS



on the same day, the Applicants believe that the fee of \$180.00 is sufficient to cover the submission of both Supplemental IDSs.

Accordingly, the Applicants respectfully submit that a second fee of \$180.00 is not required for submission of this Fourth Supplemental IDS.

Respectfully Submitted,

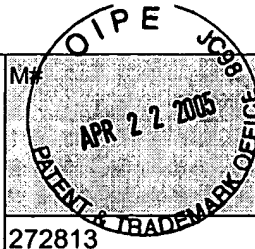
A handwritten signature in black ink, appearing to read 'JDK', is enclosed within a large, hand-drawn oval.

Jeffrey D. Karciski  
Registration Number 35914

Date: April 22, 2005  
PILLSBURY WINTHROP LLP  
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OTHER (Including in this order Author, Title, Periodical Name, Date, Pertinent Pages, etc.)

1R	Liebel-Flarsheim Company, Drawing No. 256578 entitled "Cable, 4 Pair Conductors," September 3, 1986 (MAL-PIT-046465)				
2R	Liebel-Flarsheim Company, "CT 9000 Auxiliary Input/Output Specification" December 12, 1991, 9 pages (MAL-PIT-046601-09)				
3R	Liebel-Flarsheim Company, "Angiomat 6000 Digital Injection System, Installation and Service Manual 601910," January 1992, (MAL-PIT-046614-046821)				
4R	Liebel-Flarsheim Company, "Angiomat CT Digital Injection System 115 V., Installation and Service Manual for M3 Models," December 1, 1988, (MAL-PIT-046822-046954)				
5R	Liebel-Flarsheim Company, "List Price Schedule CT 9000 Injectors," November 1, 1992 (revised 7/1/93), 2 pages (MAL-PIT-024162-024163)				
6R	Liebel-Flarsheim Company, Drawing No. 256593 entitled "Cable, 14 Conductor, Shielded," May 15, 1989 (MAL-PIT-024127)				
7R	Liebel-Flarsheim Company, Drawing No. 600126, 600159, 600163, 600190-600194 entitled "Cable Ass'y. Console Ext. Fl. 5-100 Ft.," 1989 (MAL-PIT-024128)				
8R	Liebel-Flarsheim Company, Drawing No. 600165, 600168, 600200-600204, entitled "Cable Ass'y. Head Ext. Fl. 20-100 Ft.," 1989 (MAL-PIT-024129)				
9R	Liebel-Flarsheim Company, Drawing No. 600126, 600159, 600163, 600190-600194 entitled "Cable Ass'y. Console Ext. Fl. 5-100 Ft.," 1989 (MAL-PIT-024130)				
10R	Liebel-Flarsheim Company, Drawing No. 600111, 600114, 600195-600199 entitled "Cable Ass'y. Head Ext. F.H. 20-100 Ft.," 1989 (MAL-PIT-024131)				
11R	Liebel-Flarsheim Company, Drawing No. 800105 entitled "Cable Assembly 15 Pos. D. Shell, 50FT," September 21, 1993 (MAL-PIT-024132)				
12R	Liebel-Flarsheim Company, Drawing No. 256578 entitled "Cable, 4 Pair Conductors," September 21, 1993 (MAL-PIT-024133)				
13R	Liebel-Flarsheim Company, "Angiomat CT Digital Injection System, Operator's Manual 600964," undated (MAL-PIT-047202-79).				
14R	Liebel-Flarsheim Company, "Angiomat CT Digital Injection System Operator's Manual 600964," Rev. A, December, 1991 (MAL-PIT-047280-047389).				
15R	Alpha Suprashield Cables (no Bates No.)				
16R	Liebel-Flarsheim Company, 'Angiomat 6000 Digital Injection System, Operator's Manual," July, 1989 with February, 1991 Addendum.				
17R	Libel-Flarsheim Company, "Angiomat CT Digital System Operator's Manual," 600981 dated February, 1991.				

Examiner

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